

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SUSAN BUCK, ANITA BECKLEY,
RUBY ROBINSON, RITCHIE SWAGERTY,
and DANIEL VANDERKODDE,
on behalf of themselves and
all other similarly situated,

Plaintiffs,

Case No: 1:17-cv-203
Hon. Paul. L. Maloney

vs.

MARY JANE M. ELLIOTT, P.C.,
BERNDT & ASSOCIATES, P.C.,
MIDLAND FUNDING LLC,
MIDLAND CREDIT
MANAGEMENT, INC.,
ENCORE CAPITAL GROUP, INC.,
and
LVNV FUNDING LLC,

Defendants.

/

**MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF
REGARDING NEW AUTHORITY IN SUPPORT OF DEFENDANT
MARY JANE M. ELLIOTT, P.C.'S MOTION TO DISMISS FOR LACK
OF JURISDICTION OR, ALTERNATIVELY, FOR PARTIAL
JUDGMENT ON THE PLEADINGS**

Defendant Mary Jane M. Elliott, PC, asks permission to file the attached supplemental brief (*Exhibit 1*) in support of its motion for dismissal (ECF No. 60). In support of its motion, Defendant states:

1. On September 25, 2017, Defendant filed its Motion to Dismiss for Lack of Jurisdiction or, Alternatively, for Partial Judgment on the Pleadings (ECF No. 60). Plaintiff filed a response on October 9, 2017. In the briefs, both parties discuss the applicability of the *Rooker-Feldman* doctrine to this case.

2. On February 6, 2018, this Court issued an opinion in another case regarding the applicability of the *Rooker-Feldman* doctrine to a similar FDCPA allegation. *Lewis v. Berndt & Associates P.C.*, No. 1:16-cv-0212 (W.D. Mich. Feb. 6, 2018) (ECF No. 47).

3. The proposed supplemental brief is a four-page brief citing and briefly discussing the applicability of the Lewis decision to this matter.

4. This court has the authority to grant leave to accept this brief pursuant to L.R. 7.2(c).

WHEREFORE, Defendant asks that this Court allow it to file the supplemental brief attached as Exhibit 1.

COLLINS EINHORN FARRELL PC

BY: /s/ Eric M. Kociba
THERESA M. ASOKLIS (P42709)
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Dated: March 16, 2108

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CERTIFICATE OF SERVICE

I certify that on March 16, 2018, the foregoing document was served on all parties or their counsel of record through the ECF system if they are registered users or, if they are not, by placing a true and correct copy in the U.S. mail, postage prepaid, to their address of record.

/s/ Eric M. Kociba